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September 29, 2020

BY ECF

The Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Bah v. The City of New York, et al.,
20-CV-263 (AT)(KHP)

Your Honor:

I am an attorney in the office of James E. Johnson, Corporation Counsel of the City of New York, representing the defendant City of New York in the above-referenced matter. Defendant City of New York (“City”) writes, with the consent of plaintiff’s counsel, Gabriel Harvis, Esq. to respectfully request a thirty (30) day extension of time, from October 5, 2020 until November 4, 2020, to file a pre-motion conference letter regarding defendant’s anticipated motion to dismiss in accordance with Judge Torres’s Individual Rules of Practice. This is the City’s first request for an extension of time to initiate motion practice.

By way of background, this case was accepted “as related” to the case Clark, et al. v. City of New York, 18 Civ. 2334 (AT)(KHP). The plaintiffs in Clark bring a claim seeking the identical injunctive relief sought by the plaintiff in the instant matter. On September 4, 2020, plaintiff filed her First Amended Complaint adding three individual defendants.¹ (See First Amended Complaint dated September 4, 2020, ECF No. 22.) Pursuant to Your Honor’s Order, defendants’ motion to dismiss is due by October 5, 2020. (See Order dated July 28, 2020, ECF No. 21.)

As the Court is aware, the parties in Clark and another related matter, Elsayed, et al. v. City of New York, 19 Civ. 10566 (AT)(KHP), are finalizing a settlement which resolves the plaintiffs’ claims for non-monetary relief, and it is anticipated that a stipulation of settlement will be filed within the next few weeks. Given that plaintiff in the instant matter is also seeking

¹ The Office of the Corporation Counsel has not yet made decisions regarding the representation of these three named defendants pursuant to the New York’s General Municipal Law.

injunctive relief which is identical to that which was sought in Clark and Elsayed, this related settlement will hopefully moot plaintiff's claim for injunctive relief. Thus, an extension of time will allow for (1) a stipulation of settlement to be filed in the Clark and Elsayed matters and (2) plaintiff to review the stipulation of settlement and reevaluate her claims for injunctive relief. If appropriate thereafter, plaintiff will seek leave of Court, with defendant's consent, to file a Second Amended Complaint withdrawing any claims that are no longer viable. The parties anticipate that this schedule will streamline the issues before the Court and obviate the need for unnecessary motion practice.

Therefore, defendant respectfully requests that the Court extend the time to file a pre-motion conference letter regarding defendant's anticipated motion to dismiss in accordance with Judge Torres's Individual Rules of Practice from October 5, 2020 until November 4, 2020. Thank you for your consideration of this request.

Respectfully submitted,

Bilal Haider /s

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